

## **REMARKS**

### **I. Status of the Application**

By the present Amendment, Applicant amends claims 1 and 12. Claims 1-14 are all the claims pending in the application. Claims 1-14 presently stand rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

### **II. Formalities**

Applicant thanks the Examiner for indicating that the Amendment filed Under 37 C.F.R. § 1.116 on February 28, 2008 has been entered.

### **III. Claim Rejections Under 35 U.S.C. § 103**

Claims 1-10 and 12-14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oda (5,277,506) in view of Krieg et al. (4,265,556). Claim 11 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oda in view of Wen (6,109,745). Applicant respectfully traverses all of these rejections for *at least* the reasons set forth below.

Contrary to the requirements of the MPEP, the Advisory Action dated March 19, 2008 does not substantively respond to numerous arguments advanced by Applicant with the Amendment filed Under 37 C.F.R. § 1.116 on February 28, 2008.<sup>1</sup> First, the Examiner has not substantively responded to arguments that a skilled artisan would not have had any reason to combine the teachings of Oda and Krieg in the manner proposed by the grounds of rejection.

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<sup>1</sup> MPEP §707.07(f) requires that “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it” (emphasis added).

Second, the Advisory Action does not respond to arguments that Oda and Krieg teach away from such a proposed modification. Third, the Advisory Action also fails to substantively respond to Applicant's previous arguments that the modification proposed by the grounds of rejection would destroy Oda's particular contribution to the art. Since the Examiner has not substantively responded to Applicant's previous arguments, these arguments remain unrebutted and the pending claims are patentable over the cited references for *at least* the reasons already of record.

Further, Applicant sets forth additional independent reasons for the patentability of the respective independent claims below.

**A. Independent Claim 1**

The only response provided by the Advisory Action to Applicant's previous arguments is the Examiner's bald allegation that Applicant's arguments regarding claim 1 rely on functional language directed to intended use and that such functional language does not patentably distinguish the claimed structure over the cited references. Applicant respectfully traverses the Examiner's rejections in this regard.

Contrary to the allegations in the Advisory Action, Applicant's previous arguments in no way rely on functional language directed to intended use. To the contrary, Applicant's previous arguments simply explained that the purported motivation to combine the teachings of Oda and Krieg relied upon the grounds of rejection is unsupported in fact and/or reasoning. In fact, as explained in the Amendment filed Under 37 C.F.R. § 1.116 on February 28, 2008, Oda and Krieg teach away from the modification proposed by the grounds of rejection.

Indeed, the Advisory Action fails to identify any specific functional language directed to intended use upon which Applicant's previous arguments allegedly rely.

Nevertheless, without conceding the merits of the Examiner's rejections, claim 1 has been amended, as set forth above, to recite (among other things) the feature of a controller that causes a sensor to detect an edge that is guided by said fixed guide. Applicant submits that such a recitation nowhere includes any functional language directed to intended use. Accordingly, claim 1 is patentable over the cited references for *at least* these reasons. Further, Applicant submits that the dependent claims 2-10 are patentable *at least* by virtue of their dependency on claim 1. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

**B. Independent Claim 12**

Applicant submits that claim 12 is patentable over the cited references *at least* for reasons analogous to those presented above. For example, without conceding the merits of the Examiner's rejection, claim 12 has been amended, as set forth above, to recite (among other things) the feature of a controller that causes a sensor to detect an edge that is guided by said fixed guide and none of the cited references, nor any combination thereof, teaches or suggests these features. Thus, the allowance of this claim is respectfully solicited of the Examiner.

**C. Independent Claim 13**

Applicant submits that claim 13 is patentable over the cited references *at least* for reasons analogous to those presented above. Indeed, since Oda and Krieg teach away from the modification proposed by the grounds of rejection, claim 13 is patentable over the cited references for *at least* these reasons. Thus, the allowance of this claim is respectfully solicited of the Examiner.

**D. Independent Claim 14**

Applicant submits that claim 14 is patentable over the cited references *at least* for reasons analogous to those presented above. Indeed, since Oda and Krieg teach away from the modification proposed by the grounds of rejection, claim 14 is patentable over the cited references for *at least* these reasons. Thus, the allowance of this claim is respectfully solicited of the Examiner.

**IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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